

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-3 and 5-20 are presently pending. Claims amended herein are 1-3, 5-11 and 16. Claim 4 is canceled herein. No new claims are added herein.

Statement of Substance of Interview

[0004] The Examiner graciously talked with me—the undersigned representative for the Applicant—on Friday December 19, 2008. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, we discussed whether the claims differed from the cited reference, Griffiths. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006] I understood the Examiner to concur that the proposed amendments to independent claims 1, 11 and 16 overcome the reference Griffiths. Further I understood the Examiner to agree that the proposed amendments put the claims in acceptable condition as patentable subject matter under §101. Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0007] If the Examiner's reply to this communication is anything other than allowance of all pending claims and there only issues that remain are minor or formal matters, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0008] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Allowable Subject Matter

[0009] Applicant would like to thank the Examiner for indicating that claims 15, and 17-20 are "allowable over the art rejections but are objected to and subject to 35 U.S.C. 101 rejection." (Action, page 2). These claims have not been amended herein, and therefore remain allowable over the art rejections. The Applicant asserts that the proposed amendments to independent claims 11 and 16 put dependent claims 15 and 17-20 in condition to overcome the Examiner's objections and §101 rejections. Respectfully, the Applicant requests that the Examiner pass the pending claims onto issuance because they are in condition for allowance.

Claim Amendments

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1-3, 5-11 and 16 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited reference, Griffiths.

[0011] Claim 1 is amended to include subject matter from dependent claim 4. Support for the amendments to the claims is found in the specification at least at page 12, lines 18-21, page 59, line 9 through page 60, line 12 and page 60, line 20 through page 62 line 16. The amended claims are fully supported by the Application and therefore do not constitute new matter.

FORMAL MATTERS

Specification

[0012] The Examiner indicated that “[t]he status of the copending applications at pages 1, and 8-10 need to be updated.” Additionally, the Examiner indicated that “Figure 37 description is missing at page 7.” Herein, Applicant amends these pages, as shown above, to correct the informalities noted by the Examiner.

Claims

[0013] The Examiner objects to claims 2-10 for the following informalities “Claims 1-20 mentions, ‘A media processing system according’, which should be – The media processing system according.” (Action, page 3). Herein, Applicant amends claims 2-10 to overcome the objections issued by the Examiner, and to expedite prosecution. The Applicant respectfully asserts that claims 11-20 do not need to be corrected as suggested by the Examiner because claims 11-20 as originally filed include proper antecedent basis. The Applicant respectfully requests the Examiner to withdraw the objections and pass the case along to issuance.

Substantive Matters

Claim Rejections under § 101

[0014] Claims 1-20 are rejected under 35 U.S.C. § 101. Applicant respectfully asserts that the claims as amended are directed to statutory subject matter. As provided herein independent claims 1, 11 and 16 have been amended to recite, in part, "one or more processing units; and a system memory configured to store the software object." Respectfully, the applicant asserts that proposed amended claim 1 is directed to statutory subject matter because it recites "hardware component[s] such as processor and computer storage medium such as memory."

[0015] Further, Applicant herein submits that that the claims of the instant Application are to be construed—now and in the future—to be limited to subject matter deemed patentable in accordance with United States Federal statutes, namely section 101 of Title 35 U.S.C., and as interpreted by appropriate and authoritative Article III entities. In light of this disclaimer, Applicant asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0016] If the Examiner maintains the rejection of these claims, then Applicant requests additional guidance as to what is necessary to overcome the rejection.

Claim Rejections under § 102

[0017] Claims 1-14, 16 are rejected under 35 U.S.C. § 102. In light of the amendments presented herein and the agreements reached during the above-

discussed Examiner interview, Applicant submits that these rejections are moot because the Examiner has agreed that Griffiths does not disclose “non-combinable requests for media...” and “the software object is a segment filter in a filter graph...” and a “dynamically reconfigurable matrix switch...” as explained in more detail below. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0018] The Examiner’s rejections are based upon *Griffiths*, US Patent No. 5,913,038 (issued June 15, 1999).

Overview of the Application

[0019] The Application describes a technology for representing a development project. The technology comprises identifying a plurality of sources comprising the development project, determining whether any of the sources are required simultaneously and, if not, dynamically generating a filter graph representation of the development project utilizing a segment filter to couple a source to multiple processing threads. (Application, Abstract).

Cited References

[0020] The Examiner cites Griffiths in the anticipation-based rejections.

Griffiths

[0021] Griffiths describes a technology for multimedia data processing accomplished by automated assembly of a filter graph comprising filters operative

to conduct processing functions on data streams. The filter graph can be assembled by selecting appropriate filters that can handle the data processing requirements for the desired data stream(s). For example, a graph can be constructed by (1) selecting a set of filters, including an appropriate file reader compatible with the media type of the data stream(s), a demultiplexer for separating multiplexed data, a decoder for decoding encoded data, and a renderer to display or sound the data, and (2) combining these filters within the architecture of a filter graph to efficiently process the multimedia data. (Griffiths, Abstract).

Anticipation Rejections

[0022] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

Based upon Griffiths

[0023] The Examiner rejects claims 1-14, 16 under 35 U.S.C. § 102(e) as being anticipated by Griffiths. Applicant presents the amended claims herein and respectfully traverses the rejection of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims and pass the case onto issuance.

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Independent Claim 1

[0024] Applicant submits that Griffiths does not anticipate this claim because it does not disclose at least the following features as recited in this amended claim (in part, with emphasis added):

“wherein **non-combinable requests for media include one or more of** requests where a source time of the requested content do not align, requests where project time of the requests do not align, and requests where the requested content is to be processed differently, thus requiring a separate processing chain”

[0025] Griffiths does not disclose each and every element and feature of amended claim 1. The Examiner cited col. 4 of Griffiths for disclosing “non-combinable requests for media.” However, nowhere in col. 4 of Griffiths does it disclose “non-combinable requests for media” as recited in proposed amended claim 1. Specifically, Griffiths does not disclose “wherein non-combinable requests for media include one or more of requests where a source time of the requested content do not align, requests where project time of the requests do not align, and requests where the requested content is to be processed differently, thus requiring a separate processing chain” as recited in amended claim 1.

[0026] Consequently, claim 1 is not anticipated by Griffiths because Griffiths does not disclose each and every feature and element of amended independent claim 1. Accordingly, the Applicant respectfully requests the Examiner to withdraw the rejection of this claim for at least these reasons.

Dependent Claims 2-10

[0027] These claims ultimately depend upon independent claim 1. As discussed above, claim 1 should be allowable, because it overcomes the cited reference. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 11

[0028] Applicant submits that Griffiths does not anticipate this claim because it does not disclose at least the following features as recited in this amended claim (in part, with emphasis added):

"wherein the **software object is a segment filter in a filter graph of filters dynamically generated to process media** in accordance with a user-defined processing project"

"a **scalable, dynamically reconfigurable matrix switch** having a plurality of inputs and a plurality of outputs" (original)

"at least one matrix switch input being communicatively linked with a first processing chain portion" (original)

"at least one other matrix switch input being communicatively linked with a second processing chain portion" (original)

"**the matrix switch being configured to dynamically couple one or more of the matrix switch inputs to one or more of the matrix switch outputs**" (original)

[0029] Griffiths does not disclose each and every element and feature of amended independent claim 11. Without needlessly repeating the discussion and evidence above in regard to amended independent claim 1, amended independent claim 11 is allowable for at least the reasons provided above in

support of amended independent claim 1 because claim 11 recites similar features which distinguish claim 11 over the reference, Griffiths.

[0030] The Examiner cited col. 3 of Griffiths for disclosing "software object is a segment filter." However, nowhere in col. 3 of Griffiths does it disclose "software object is a segment filter" as recited in proposed amended claim 11. Further, the Examiner cited col. 3 for disclosing a "dynamically reconfigurable matrix switch." However, it does not appear that col. 3 of Griffiths mentions a "matrix switch" of any kind, and thus the Applicant asserts that Griffiths fails to disclose "a dynamically reconfigurable matrix switch" as recited in amended claim 11.

[0031] Consequently, as explained and shown above in regards to amended independent claim 1, as well as for its own distinguishing features and elements, amended independent claim 11 cannot be considered anticipated by Griffiths because Griffiths does not disclose each and every feature and element of amended independent claim 11. Accordingly, the Applicant respectfully requests the Examiner to withdraw the rejection of this claim for at least these reasons.

Dependent Claims 12-14

[0032] These claims ultimately depend upon independent claim 11. As discussed above, claim 11 should be allowable, because it overcomes the cited reference. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 16

[0033] Applicant submits that Griffiths does not anticipate this claim because it does not disclose at least the following features as recited in this amended claim (in part, with emphasis added):

"wherein **non-combinable requests for media include one or more of requests where** a source time of the requested content do not align, requests where project time of the requests do not align, and requests where the requested content is to be processed differently, thus requiring a separate processing chain" (original)

"wherein the software object is a segment filter in a filter graph of filters dynamically generated to process media in accordance with a user-defined processing project" (original)

[0034] Accordingly, Griffiths does not disclose each and every element and feature of amended independent claim 16. Without needlessly repeating the discussion and evidence above in regard to amended independent claims 1 and 11, amended independent claim 16 is allowable for at least the reasons provided above in support of amended independent claim 1 because claim 16 recites similar distinguishing features and elements which are not disclosed in Griffiths.

[0035] In summary, as mentioned above, it appears that Griffiths does not disclose a "non-combinable requests for media" as recited in claim 1. Accordingly, it appears that "non-combinable requests for media" as recited in claim 16 are not disclosed by Griffiths. Further, it appears that "a segment filter" as recited in amended claim 16 is also not disclosed by Griffiths.

[0036] Consequently, amended claim 16 is not anticipated by Griffiths because Griffiths does not disclose each and every feature and element of amended independent claim 16. Accordingly, the Applicant respectfully requests the Examiner to withdraw the rejection of these claims for at least these reasons.

Dependent Claims

[0037] If not addressed individually above, in addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0038] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

_____/Jacob S. Scott/

Dated: 2008-12-20

Jacob S. Scott (Jake@leehayes.com)

Registration No. 62,806

John Meline (Johnm@leehayes.com; x4757)

Registration No. 58,280

Customer No. **22801**

Telephone: (509) 944-4728

Facsimile: (509) 323-8979

www.leehayes.com